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INSTRUCTIONS AND NOTICES REGARDING BILL OF COSTS

SPECIAL NOTE: An itemization and documentation to support the claims made in all categories shall be attached to the Application for Bill of Costs. Documentation shall include receipts, orders and stipulations of the parties. The claiming party shall ensure that any receipts are self-explanatory (i.e. receipts for service, to include the name of the individual). The Clerk's designee will disallow any expenses that do not have supporting documentation. It is the claiming party's responsibility to ensure that the total cost requested in all categories on Form CV-59 reflects the same total of the documentation submitted in support thereof. The Clerk's designee shall allow such items specified in the application which are properly recoverable as costs.

Amended Procedure for Filing Bill of Costs

Local Rule 54-3 - Within (15) days after entry of judgment, the party entitled to costs shall file a Notice of Application to the Clerk to Tax Costs and shall attach a proposed Bill of Costs on Form CV-59. The Bill of Costs and the Notice of Application to the Clerk to Tax Costs shall be prepared as two separate documents. All costs shall be specified so that the nature of the claim can be readily understood. The Bill of Costs will be electronically filed by the Clerk's designee once determination of allowable costs are made.

Appearance Requirements

Local Rule 54-3.2 - Time of Application - The date and time for taxation of costs by the Clerk shall be not less than fourteen (14) nor more than twenty-one (21) days from the date notice is given to the other parties. If no objections to the Bill of Costs are filed, then no appearance by counsel is required. In the absence of an objection, any item listed will be taxed as allowed under Local Rule 54. When an objection is filed, the Clerk's designee may determine that no hearing is required and the parties will be so notified. If a hearing is to be held, the Clerk's designee may specify the form of the hearing and determine if telephonic appearances are appropriate.

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

1 CERTIFICATE OF SERVICE

2 As attorney of record for Plaintiff / Counterclaim Defendant, I hereby certify that I
3 caused the document(s) listed below to be served on the date indicated below on all parties
4 to this action via the delivery method indicated and addressed to:

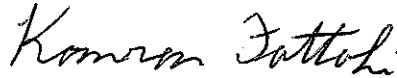
5 Via E-Mail and U.S. First Class Mail, Postage Prepaid

6 Jan P Weir / Steven M. Hanle / Jennifer Trusso / Peter L. Wucetich
7 Stradling Yocca Carlson & Rauth
8 660 Newport Center Drive, Suite 1600
9 Newport Beach, CA 92660-6422
Tel: (949) 725-4000
Fax: (949) 725-4100

10 Document(s) Served:

11 1. Premier Nutrition, Inc.'s Proposed "Bill of Costs" ...

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13
14 Dated: April 16, 2008



15 Kamran Fattahi
16 LAW OFFICES OF KAMRAN FATTABI
17 Attorneys for Plaintiff / Counterclaim Defendant,
18 Premier Nutrition, Inc.
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